

Marc G. Rosenberg
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Attorneys for Matthew Liebman

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Adv. Pro. No. 08-01789 (BRL)

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiffs

SIPA Liquidation

vs.

**OBJECTION TO TRUSTEE'S
DETERMINATION OF
CLAIM**

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Matthew Liebman ("Liebman") hereby objects to the Notice of Trustee's Determination of Claim ("Claim Number 8319") dated February 2, 2010 and sent by Irving H. Picard (the "Trustee"), and states as follows:

BACKGROUND FACTS

1. In or about 2004 Liebman opened two accounts with Bernard L. Madoff Investment Securities LLC ("BLMIS"), account no. 1-L0218-3-0 (the "Account") and account no. 1-L0218-4-0 (the "other Account").

2. According to the Trustee, Liebman deposited a total of \$ 253,819.57 into the Account during the period from February 27, 2004 through September 5, 2008, and withdrew a total of \$46,438.00 from the Account during the period from March 3, 2004 through June 10, 2010.

3. Pursuant to the October 31, 2008 account statements sent by BLMIS to Liebman (the “BLMIS Statements”), the market value of securities in the Account was long \$381,733.50 for account no. 1-L0218-3-0. The market value of securities in the other Account was \$21,519.00 for account no 1-L0218-4-0, pursuant to the BLMIS statements.

4. Throughout the period of the existence of the Accounts, Liebman paid taxes annually on the appreciation in the Accounts based upon the BLMIS Statements he received from BLMIS.

5. On December 11, 2008, the above-captioned liquidation proceeding was commenced against BLMIS, pursuant to the Securities Investor Protection Act (“SIPA”) and later transferred to the United States Bankruptcy Court for the Southern District of New York. Irving Picard was appointed Trustee and charged with overseeing the liquidation of BLMIS and processing customer claims for money pursuant to SIPA.

6. On December 23, 2008, the Court issued an Order directing the Trustee to disseminate notice and claim forms to BLMIS customers and setting forth claim-filing deadlines. The Order further provided that, to the extent the BLMIS Trustee disagrees with the amount set forth on a customer claim form, that the BLMIS Trustee “shall notify such claimant by mail of his determination that the claim is disallowed, in whole or in part, and the reason therefore . . .”

7. On April 1, 2009, Liebman sent a SIPC Customer Claim (the “Customer Claim”, annexed hereto as Exhibit “1”) to the Trustee for the Accounts, asserting a claim for securities in the amount of long \$381,733.50 for the account no. 1-L0218-3-0, and in the amount of \$21,519.00 for account no. 1-L0218-4-0, as stated in the October 31, 2008 BLMIS Statements sent by BLMIS.

8. On February 2, 2010, the Trustee sent Liebman a Notice of Trustee’s Determination of Claim (the “Determination Letter”, annexed hereto as Exhibit “2”) with respect to the

Account. The Trustee stated in the letter that he was determining the claim on “BLMIS Account No 1L0218”, designated as “Claim Number 8319,” without differentiating between the two underlying Accounts. The Trustee entirely denied the claim for securities that was based upon the October 31, 2008 BLMIS Statements. However, the Trustee allowed the claim for \$207,381.57. In doing so, the Trustee disallowed two transfers into the Account from two other BLMIS accounts (\$46,438.14 transferred from the account 1P010630, and \$5,000.00 transferred from the account 1P003830). Had the Trustee allowed these transfers, then, under the Trustee’s “net-equity” approach, the amount of the claim would have been \$258,819.71. Moreover, the Trustee ignored all appreciation in the Account from its inception over a period of four years.

9. Requests for extensions to file an objection through April 9, 2010 were granted by the Trustee.

GROUND FOR OBJECTION

10. The Determination Letter is improper for - amongst others - the following reasons: The Trustee has failed to comply with the Court’s December 23, 2008 Order in that he has not set forth the legal and factual basis for the position he has taken. The Trustee has also violated SIPA’s mandate to honor the legitimate expectations of a customer. Moreover, the Trustee has invented his own definition of “net equity” solely in order to save SIPC money, at the expense of the customers. The Trustee has also ignored the customers’ entitlement to (prejudgment) interest and a reasonable return on their investment. In addition, the Trustee’s Determination Letter is improper for the following reasons stated below in detail:

A. The Trustee Failed To Give The Reasons For The Denial of Claim

11. The Trustee has set forth no legal basis for disallowing Liebman’s Customer Claim in full as filed. The only explanations set forth in the Determination Letter is that “[n]o securities

were ever purchased for your account.” This purported ground for denial does not have any statutory or other legal basis. Moreover, the Determination Letter (a) does not clearly provide “the reason” for the denial of Liebman’s claim, as required by the Court’s December 23, 2008 Order, (b) is inadequate to rebut the prima facie validity of Liebman’s claim; and (c) violates general principles of applicable law requiring that an objection to a proof of claim set forth, at a minimum, all of the relevant and pertinent facts and legal theories upon which the denial of the claim is based.

B. The Trustee Is Ignoring the Debtor’s books and records

12. The Determination Letter fails to comply with this Court’s December 23, 2008 Order, which directs the Trustee to satisfy customer claims and deliver securities in accordance “with the Debtor’s books and records.” Included with Liebman’s Customer Claim were his final BLMIS Statements, showing a balance of securities in the amount of long \$381,733.50 for account no 1-L0218-3-0, and showing a balance of securities in the amount of \$21,519.00 for the account no. 1-L0218-4-0. The final BLMIS Statements are the best evidence of the amount owed based on the Debtor’s books and records, and it is reflective of “the Debtor’s books and records” by which the Trustee is bound, absent proof that Liebman did not have a “legitimate expectation” that the balance on the Account statements represented his property. Accordingly, the claim should be allowed in the full amount.

C. The Trustee’s method of calculating “net equity” is without merit

13. Liebman respectfully submits his objection to the Trustee’s method of calculating “net-equity” in view of the Court’s recent Order signed on March 8, 2010 “Affirming Trustees Determination Of Net Equity And Expunging Those Objections With Respect To The

Determinations Relating To Net Equity” because that order is not yet final and is due for an immediate appeal to the United States Court of Appeals for the Second Circuit.

14. The Trustee miscalculated the value of the Claim because he erroneously applied a “cash in/cash out” approach to calculating Liebman’s “net equity” under SIPA.

15. Liebman deposited funds in his Account at BLMIS with the expectation that the amount of these funds would grow, his account statements showed such growth, and the balance on his final BLMIS Statement reflects the benefit of this bargain. Moreover, SIPC is bound to honor a customer’s “legitimate expectations.”

16. In contrast, the Trustee’s formula for calculating the “net equity” is an improper and wholly inadequate measure of loss. In derogation of his obligations to carry out the provisions of SIPA, the Trustee has created his own definition of “net equity.” The Trustee has asserted that he has a right to recognize investors’ claims only for the amount of their net investment, disregarding all income and/or appreciation in their accounts. Moreover, the Trustee maintains that transfers from other BLMIS accounts can be disregarded where those other BLMIS accounts did not contain enough “net equity” – as calculated pursuant to the Trustee’s misguided approach – to substantiate such a transfer. The Trustee’s position that Liebman’s claim should be partially denied is therefore nothing but baseless.

17. Liebman adopts and incorporates all of the objections previously filed by Investors similarly situated regarding the Trustee’s position as to the method for calculation of “net equity”, as if fully stated herein.

D. Liebman Is Entitled To Interest

18. Liebman is entitled to recover interest on such funds deposited with BLMIS. Such interest is required as a matter of State law. Moreover, since BLMIS converted Liebman’s funds,

Liebman is also entitled to prejudgement interest. The Determination Letter, however, does not mention any entitlement to any interest at all.

E. Trustee Fails To Prove That All Gains Reported Are Fictitious

19. The Trustee alleges in the Determination Letter that no securities were ever purchased by BLMIS. However, the Trustee's Determination Letter simply assumes that BLMIS never earned funds and that therefore all gains reported to customers were fictitious. But this assumption is contrary to fact.

20. There is significant evidence that, at some time, BLMIS was at least in part a legitimate business and therefore all or a portion of the gains were not fictitious. Moreover, the Trustee bears the burden to show that BLMIS never earned any amounts to support customer gains and, if at some point it did earn funds, the dates when it ceased to do so. The Trustee is required to state and prove when the Ponzi scheme began.

21. Hence, the Trustee cannot prove that BLMIS earned no money on Liebman's investment. Moreover, to the extent the funds were deposited into a bank, they earned interest while on deposit. BLMIS disbursed customer funds to favored customers, to family members, and for other purposes. Those funds may have yielded substantial profits to which Liebman and other customers are entitled once the ultimate recipients of BLMIS's thievery are known.

F. The Trustee Failed To Adjust Liebman's Claim To The Taxes Liebman Paid

22. Liebman's customer claim should be adjusted by adding all amounts he actually paid as income taxes on allegedly fictitious gains to equalize his treatment with that of other customers.

G. Trustee Has No Power To Claw Back

23. The Trustee has no power to claw back from investors who, like Liebman, had a legitimate expectation that their statements were accurate and who, like Liebman, paid taxes annually on the earnings reflected on their account statements. The funds he withdrew were in the Account that belonged to him.

H. The Trustee Failed To Furnish Records To Support His Calculations

24. The Determination Letter purports to calculate the “net equity” based on Liebman’s deposit transactions and withdrawal transactions, but does not furnish the actual records for those transactions. Many of the withdrawal transactions listed in the Determination Letter allegedly occurred several years ago.

25. It is unreasonable to anticipate that customers like Liebman would maintain records of accounts for long periods of time given (a) general limitations on record retention requirements under tax law and other applicable rules governing record retention; (b) the apparent safety and solvency of BLMIS; and (c) the fact that historical records such as those in question are usually available from financial institutions, including broker-dealers, upon request.

26. Therefore, due process demands that the Trustee prove that the alleged withdrawal transactions occurred by furnishing the appropriate records to Liebman and, absent such records, such withdrawal transactions should be deleted from the calculation of Liebman’s “net equity.” Likewise, the Trustee should be required to prove that the deposit transactions are completely listed by furnishing the appropriate records to Liebman.

I. Further Objections

27. Finally, Liebman also adopts and incorporates herein, to the extent applicable, all of the objections filed by those others similarly situated regarding the Trustee's determination letters.

CONCLUSIONS

28. The Trustee's determination amounts to an improper denial of a claim that has prima facie validity. The Trustee has offered no sufficient factual or legal basis for his determination to deny Liebman's claim. The Trustee's Determination Letter, and the objections contained therein, should be stricken, or alternatively, the Trustee should describe his position in detail including all relevant facts, legal theories, and authorities.

29. Liebman received daily trade confirmations and monthly statements from BLMIS in the past several years. Hence there is no basis to claim that Liebman did not have a "legitimate expectation" that the assets reflected on the Account statements sent to him by BLMIS belonged to him.

30. Thus, Liebman is entitled to a claim for securities in the amount of long \$381,733.50 for account no. 1-L0218-3-0, and in the amount of \$21,519.00 for account no. 1-L0218-4-0, as reflected on the October 31, 2008 BLMIS Statements sent by BLMIS.

31. Accordingly, for the foregoing reasons, Liebman is a "customer" under SIPA, entitled to up to \$500,000.00 in SIPC funds.

32. Liebman is entitled to an order compelling the Trustee and SIPC to immediately replace the securities in the Account to the extent of a valuation of \$500,000.00 as of October 31, 2008.

33. For the reasons set forth above and more fully in the objections filed in this proceeding by those similarly situated to Liebman, Liebman is entitled to (i) have his claim recognized in the amount of \$403,252.50, consistent with the October 31, 2008 BLMIS Statements and (ii) such other and further relief as is just, equitable and proper.

RESERVATION OF RIGHTS

34. Liebman hereby reserves all rights with respect to his Claims and further reserves all rights to revise, amend or supplement this Objection or file a reply to any response to this Objection that is filed. Moreover, any failure to object on a particular ground or grounds shall not be construed as a waiver of Liebman's right to object on any additional grounds.

35. The execution and filing of this objection is not and shall not be deemed a waiver or release of Liebman's rights against any entity or person liable for all or any part of the claim asserted herein, or an election of remedies which waives or otherwise affects any other remedy.

36. Liebman also reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever.

37. Liebman incorporates by reference all reservations of rights set forth in Liebman's Customer Claim and any supplements thereto.

April 8, 2010
New York, New York

Respectfully submitted,

McLAUGHLIN & STERN

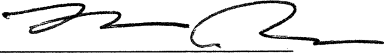
By 
Marc G. Rosenberg
260 Madison Avenue, 18th Fl.
New York, NY 10016
(212) 488-1100
Attorneys for Matthew Liebman

EXHIBIT 1

McLAUGHLIN & STERN, LLP

MARC G. ROSENBERG
Partner
Direct Phone: (212) 448-6249
E-Mail: mrosenbergs@mclaughlinstern.com

260 MADISON AVENUE
NEW YORK, NEW YORK 10016
(212) 448-1100
FAX (212) 448-0066

MILLBROOK OFFICE
Franklin Avenue
P.O. Box 1369
Millbrook, New York 12545
(914) 677-5700
Fax (914) 677-0097

April 1, 2009

VIA FEDEX

Irving Picard, Esq.
Trustee for Bernard L. Madoff Investment Securities, LLC
Claims Processing Center
2100 McKinney Avenue, Suite 800
Dallas, TX 75201

Re: Matther Liebman A/C No.1-L0128

Dear Mr. Picard:

On behalf of our client, Matthew Liebman, enclosed please find the Customer Claim in connection with Bernard L. Madoff Investment Securities, LLC together with the October 31, 2008 Account Statement (which is the last statement that Mr. Liebman received), a spreadsheet listing Mr. Liebman's contributions and withdrawals, a list of Mr. Liebman's contribution and withdrawals together with the related Exhibits.

Please have the enclosed copy of this letter stamped received or otherwise acknowledged and returned to me in the enclosed stamped self-addressed envelope.

Please do not hesitate to contact me with any questions or comments.

Very truly yours,

Marc G. Rosenberg

CUSTOMER CLAIM

Claim Number _____

Date Received _____

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008

Irving H. Picard, Esq.
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

Provide your office and home telephone no.

OFFICE: _____

HOME: (646) 831-2770

Taxpayer I.D. Number (Social Security No.)



Account Number: 1L0218

MATTHEW LIEBMAN
C/O PHYLLIS POLAND, CUSTODIAN
1 PINE RIDGE ROAD
LARCHMONT, NY 10526

(If incorrect, please change)

NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

1. Claim for money balances as of **December 11, 2008**:

- a. The Broker owes me a Credit (Cr.) Balance of \$ see attached
- b. I owe the Broker a Debit (Dr.) Balance of \$ _____

- c. If you wish to repay the Debit Balance,
please insert the amount you wish to repay and
attach a check payable to "Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC."
If you wish to make a payment, it must be enclosed
with this claim form. \$ _____
- d. If balance is zero, insert "None." _____

2. Claim for securities as of December 11, 2008:

PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.

- | | <u>YES</u> | <u>NO</u> |
|---|------------|------------------|
| a. The Broker owes me securities | <u>see</u> | <u>attached</u> |
| b. I owe the Broker securities | | <u>statement</u> |
| c. If yes to either, please list below: | | |

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
_____	<u>see attached</u>	<u>statement</u>	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.
PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____X_____
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____X_____
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____X_____
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	_____X_____
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____X_____
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____X_____

9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker. _____ X

Please list the full name and address of anyone assisting you in the preparation of this claim form: McLaughlin + Stern LLP

260 Madison Avenue, NY NY 10016

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.

Date 2/25/09 Signature [Signature]

Date _____ Signature _____

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

MATTHEW LIEBMAN

2004	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL	NET
In		106438.14			132000					5000	4059.58		247497.72	201059.72
Out		2500				43938							46438	
TOTAL													Year End	Year End

2005														
In		3459.99								5000			8459.99	209519.71
Out													0	
TOTAL													Year End	Year End

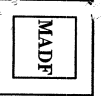
2006														
In				7000						10000			17000	226519.71
Out													0	
TOTAL													Year End	Year End

2007														
In							8300				10000		18300	244819.71
Out													0	
TOTAL													Year End	Year End

2008														
In									14000				14000	258819.71
Out													0	
TOTAL													Year End	End

Total Out 46438.00
Total In 305257.71
Total Net 258819.71

11/30/2008	MATTHEW P. LIEBMAN Phyllis Poland Custodian	1-L0218-3-0	soc sec ——2785
Trade Date	Name of Security	The Boker owes me Long	I Owe Broker Short
31-Oct	Fidelity Spartan U S Treasury Money Market	237	
31-Oct	Security positions Fidelity Spartan U S Treasury Money market	32,157	
31-Oct	U S Treasury Bill Due 2/12 2009	350,000	



BERNARD L. MADOFF
INVESTMENT SECURITIES LLC
New York ☐ London

885 Third Avenue
New York, NY 10022
(212) 230-2424
800 334-1343
Fax (212) 838-4061

MATTHEW LIEBMAN

C/O PHYLLIS POLAND, CUSTODIAN
1 PINE RIDGE ROAD
LARCHMONT NY 10538

Affiliated with
Madoff Securities International Limited
12 Berkeley Street
Mayfair, London W1J 8DT
Tel 020 7493 6222

PERIOD ENDING
10/31/08

PAGE
1

YOUR ACCOUNT NUMBER
1-L0218-3-0

YOUR TAX PAYER IDENTIFICATION NUMBER
*******2785**

DATE	BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
10/01				BALANCE FORWARD		21,518.53	
10/01				COCA COLA CO DIV 9/15/08 10/01/08	DIV		57.00
10/01				HEWLETT PACKARD CO DIV 9/10/08 10/01/08	DIV		14.88
10/01				MERCK & CO DIV 9/05/08 10/01/08	DIV		61.56
10/03				SCHLUMBERGER LTD DIV 9/03/08 10/03/08	DIV		18.90
10/10				PHILLIP MORRIS INTERNATIONAL DIV 9/15/08 10/10/08	DIV		84.24
10/31	237		8696	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	237.00	
				NEW BALANCE		21,518.95	
	32,157			SECURITY POSITIONS FIDELITY SPARTAN	MKT PRICE 1		
	350,000			U S TREASURY MONEY MARKET U S TREASURY BILL DUE 2/12/2009	99.879		
				2/12/2009			
				MARKET VALUE OF SECURITIES LONG 381,733.50	SHORT		

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

MATTHEW LIEBMAN

<u>Date of Transaction</u>	<u>Description</u>	<u>Amount</u>	<u>Exhibit #</u>	<u>Documentation</u>
January-04	Contribution	60,000.00	1	Copy of Check & Confirmation of Receipt
February-04	Contribution	46,438.14	2	Confirmation of Receipt of Funds
March-04	Withdrawal	(2,500.00)		Not Available at this Time
May-04	Contribution	132,000.00	3	Copy of Check Attached
June-04	Withdrawal	(43,938.00)	4	Confirmation of Transfer of Funds
October-04	Contribution	5,000.00		Not Available at this Time
October-04	Contribution	4,059.58	5	Copy of Check
February-05	Contribution	3,459.99	6	Copy of Check
October-05	Contribution	5,000.00	7	Bank Statement & Copy of Check
January-06	Contribution	7,000.00	8	Copy of Check
October-06	Contribution	10,000.00	9	Copy of Check
July-07	Contribution	8,300.00	10	Copy of Check
November-07	Contribution	10,000.00	11	Copy of Check
September-08	Contribution	14,000.00	12	Copy of Check

885 Third Avenue
New York, NY 10022
212 230-2424
P&S Dept. 212 230-2436
800 334-1343
Fax 212 838-4061

BERNARD L. MADOFF
INVESTMENT SECURITIES LLC
New York ☐ London



CREDITED YOUR

WE HAVE THIS DAY
ACCOUNT WITH THE FOLLOWING:

2/27/04

60,000.00

~CHECK

CLIENT'S ACCOUNT NUMBER

1-10218-3

MATTHEW LIEBMAN
PHYLLIS POLAND J/T
535 EAST 86TH STREET APT #6A
NEW YORK NY 10028

Exhibit 1



BERNARD L. MADOFF
INVESTMENT SECURITIES LLC
New York ☐ London

885 Third Avenue
New York, NY 10022

212 230-2424

F&S Dept. 212 230-2436

800 334-1343

Fax 212 838-4061

WE HAVE THIS DAY **DEBITED YOUR**
ACCOUNT WITH THE FOLLOWING: **TRANS TO 11621830**

2/27/04

46,438.14

CLIENT'S ACCOUNT NUMBER

MARITAL TST ESTAB UNDER
TED POLAND KEY TST DTD 2/19/99
PHYLLIS POLAND TSTEE
535 E 86TH STREET
NEW YORK NY 10028

1-P0106-3

- Check #2500 issued on 3/1/04

Exhibit 2

May 21 - June 18, 2004
Page 5 of 5

013-00013-B014-00013-

-001-1-01

Primary Account Number: 013-0845184-65

MATTHEW LEBMAN		133
5/22/04		
Bernard L. Madoff Securities		\$132,000.00
One Hundred Thirty Two Thousand 00/100		
CHASE		
1-68212-3		
00240000214013084518465		0133 000132000000

CHECK # 0133 \$132,000.00 PAID 05/27

Exhibit 3



BERNARD L. MADOFF
INVESTMENT SECURITIES LLC
New York ☐ London

TOLD PV

885 Third Avenue
New York, NY 10022
212 230-2424
P&S Dept. 212 230-2436
800 334-1343
Fax 212 838-4061

WE HAVE THIS DAY **CREDITED YOUR**
ACCOUNT WITH THE FOLLOWING: **TRANS FROM 1L021830**

6/10/04

43,938.00

CLIENT'S ACCOUNT NUMBER

MILDRED POLAND TRUSTEE
MILDRED S POLAND REVOCABLE
TRUST DTD 9/8/87
301 PURITAN ROAD
SWAMPSCOTT

1-EM151-3

MA 01907

Exhibit 4

06/07/2004 17:10 7815982384

PAGE 01

MATTHEW P. LIEBMAN
PHYLLIS POLAND
535 E. 86TH STREET, APT. 6A
NEW YORK, NY 10028-7533

TEL. (212) 535-1713

FAX

MAY 11, 2004

TO: FRANK DIPASCALI
BERNARD L. MADOFF

FROM: PHYLLIS POLAND

RE: MATTHEW LIEBMAN'S ACCOUNT #1-L0218-3

PLEASE TRANSFER \$43,938 (FORTY-THREE THOUSAND NINE HUNDRED &
THIRTY-EIGHT DOLLARS) FROM MATTHEW'S ACCOUNT TO:

MILDRED POLAND'S ACCOUNT #1-EM151-3-0

THANK YOU.

SIGNED:


MATTHEW P. LIEBMAN


PHYLLIS A. POLAND

5/10 10:15
Evin Reed
S/B done
Lucky
T-Rank 20
in you
100
A/S-ME
(3RD
VCA
2-1
2-0
3/4-2
only
1/4-2
2-1

Exhibit 4

Posting Date: 2004-11-01
Sequence #: 3100557499
Account #: 920004088165
Routing Transit: 02100002
Amount #: \$4059.58
Check/Serial #: 000000005991
Bank #: 802
Tran Code: 0000
IRD: N/A
ItemType: N/A
BOFD: N/A
Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A

PHYLLIS A. POLAND
535 EAST 86TH STREET
NEW YORK, NY 10028
212-535-1713

JPMORGAN CHASE BANK
150 AVENUE OF THE AMERICAS
NEW YORK, NY 10038-4902

5991

10/28/04

PAY TO THE ORDER OF BERNARD L MADOFF SECURITIES \$4059.58

FOUR THOUSAND + FIFTY NINE 58 DOLLARS 00

MEMO 0001-10218-3

Phyllis A. Poland

0005991 002100002100920004088165

00000405958

11/1/04

3100557499

BERNARD L MADOFF SECURITIES
140 081 703

PAY TO THE ORDER OF
CHASE MANHATTAN BANK
FOR DEPOSIT ONLY 5 0 1
BERNARD L MADOFF

Exhibit 5

Posting Date: 2005-02-24
Sequence #: 3600015888
Account #: 920004088165
Routing Transit: 02100002
Amount #: \$3459.99
Check/Serial #: 000000006092
Bank #: 802
Tran Code: 0000
IRD: N/A
ItemType: N/A
BOFD: N/A
Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A

PHYLLIS A. POLAND
555 EAST 86TH STREET
NEW YORK, NY 10028
212-635-1713

JPMORGAN CHASE BANK
1270 AVENUE OF THE AMERICANS
NEW YORK, NY 10020-4000

6092

2/18/05

PAY TO THE ORDER OF BERNARD MADOFF SECURITIES \$3459.99

Three thousand four hundred + fiftynine 99/100 DOLLARS

MEMO 1-2028-3 M. Liebman

Phyllis A. Poland

006092 0210000210920004088165* 0000345999*

ORIGINAL DOCUMENT

JPMORGAN CHASE BANK, NA
CARLSTADT, NJ 02/24/05
9210000210920004088165

3600015888

PAY TO THE ORDER OF
CHASE MANHATTAN BANK
FOR DEPOSIT ONLY
BERNARD L. MADOFF
140 081 703

Bernard Madoff
Securities

Exhibit 6

September 22 - October 21, 2005
Page 2 of 4

013-00013-B014-00013- -001-1-01-0011-0101- -IY Primary Account Number: 013-0845184-65

Better Banking Checking Account # 013-0845184-65 MATTHEW LIEBMAN
(continued)

Activity

Date	Description	Additions	Deductions	Balance
10/07	NYCE ATM Withdrawal On 10/06; Card # **** 8532 Serial# 970569; 2481 Broadway, New York, NY		\$ 40.99	\$ 7,010.14
✓ 10/11	Customer Check # 161		\$ 5,000.00	\$ 2,010.14
10/11	ATM Withdrawal On 10/08; Card # **** 8532 Serial# 008714; 401 Park Ave, New York, NY		\$ 80.00	\$ 1,930.14
10/11	CBC Purchase On 10/09; Card # **** 8532 Ref# 55421358Vwpamtb1; 47 McPub, New York, NY		\$ 78.00	\$ 1,852.14
10/11	NYCE ATM Withdrawal On 10/08; Card # **** 8532 Serial# 009824; 401 Park Ave. Sout, New York, NY		\$ 20.99	\$ 1,831.15
10/12	NYCE ATM Withdrawal On 10/11; Card # **** 8532 Serial# 951268; 517 Third Ave, New York, NY		\$ 61.75	\$ 1,769.40
10/17	ATM Withdrawal On 10/15; Card # **** 8532 Serial# 005009		\$ 100.00	\$ 1,669.40
10/17	CBC Purchase On 10/14; Card # **** 8532 Ref# 8547082918B98Hv9M; Union Bar, New York, NY		\$ 26.00	\$ 1,643.40
10/18	Transfer From-Overdraft Line Of CR # **** 1911	\$ 555.60		\$ 2,199.00
10/18	Electronic Check Presentment # 164		\$ 2,162.00	\$ 37.00
10/18	CBC Purchase On 10/16; Card # **** 8532 Ref# 5554752927Av90Gye; Lotus, New York, NY		\$ 37.00	\$ 0.00
10/19	Transfer From-Overdraft Line Of CR # **** 1911	\$ 2,011.00		\$ 2,011.00
10/19	Electronic Check Presentment # 163		\$ 1,951.00	\$ 60.00
10/19	ATM Withdrawal; Card # **** 8532; Serial# 006204		\$ 60.00	\$ 0.00
10/21	Transfer From-Overdraft Line Of CR # **** 1911	\$ 42.00		\$ 42.00
10/21	CBC Purchase On 10/20; Card # **** 8532 Ref# 554203695Kg97Jb8P; El Rio Grande, New York, NY		\$ 30.00	\$ 12.00
10/21	CBC Purchase On 10/20; Card # **** 8532 Ref# 554213595Wpb21S83; Bogart's, New York, NY		\$ 12.00	\$ 0.00
10/21	Ending Balance			\$ 0.00

Monthly Fee

A \$18.50 fee for the previous statement period was deducted from your account on 09/22.

1 Deposit	\$ 0.00
4 JPMorgan Chase ATM withdrawals	\$ 2.00
2 Non-JPMorgan Chase ATM withdrawals	\$ 2.00
10 Debit card point-of-sale	\$ 5.00
Monthly maintenance fee	\$ 9.50
Total	\$ 18.50

A \$19.50 fee for this statement period will be deducted from your account and will appear on your next statement. Please update your records. Your average checking balance was \$2,665.96 and your combined average balance was \$2,665.96. With an average checking balance of \$3,000 or a combined average balance of \$4,500, you can avoid most monthly fees.

THIS ENDS YOUR STATEMENT FINANCIAL DATA

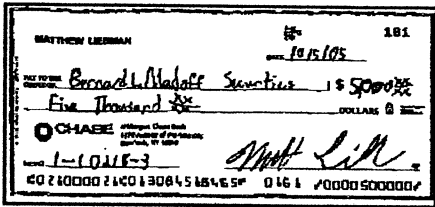
Exhibit 7

September 22 - October 21, 2005
Page 4 of 4

013-00013-B014-00013-

-001-1-01

Primary Account Number: 013-0845184-65



CHECK # 0161 \$5,000.00 PAID 10/11

View, save and print images of your cleared checks — front AND back — FREE at Chase Online SM
Access your check images on the same day they clear and from the past 3 years.
Log on or enroll today at www.chase.com/online

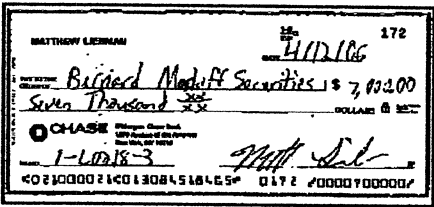
Exhibit 7

March 21 - April 20, 2006
Page 5 of 5

013-00013-B014-00013-

-001-1-01

013-0845184-65



CHECK # 0172 \$7,000.00 PAID 04/17

Exhibit 8

Posting Date: 2007-07-26
Sequence #: 9070111766
Account #: 920004088165
Routing Transit: 02100002
Amount #: \$8300.00
Check/Serial #: 000000006749
Bank #: 802
Tran Code: 000000
IRD: 0
ItemType: P
BOFD: 021000021
Cost Center: N/A
Teller Number: N/A
Teller Seq Number: N/A
Processing Date: N/A

10/20/06 10k
Check 182
11/19/07 10k
Check 119
12/9/08 10k
Check 233
2/27/04 60k
Check 105
5/27/04 132k
Check 133
10/11/05 5k
Check 161
4/17/06 7k
Check 172

PHYLLIS A. POLAND
JPMORGAN CHASE BANK, N.A.
NEW YORK, NEW YORK 10017
WWW.CHASE.COM
6749
1-2-21
7/18/07
PAY TO THE ORDER OF Bernard Madoff Securities \$ 8300.00
eight thousand three hundred ~~xx~~ DOLLARS ~~xx~~

MEMO FOR ACCT 1-LOZ18-3

Phyllis A. Poland

⑈006749⑈ ⑆021000021⑆920004088165⑈ ⑆0000830000⑈

J.P. MORGAN CHASE BANK
4 CHC BAYVIEW 07263007
021000021 950 348 93
9070111766

PAY TO THE ORDER OF
CHASE MANHATTAN BANK
FOR DEPOSIT ONLY
BERNARD L. MADOFF
140 NR1 703

Bernard Madoff
Securities

Exhibit 10



October 20, 2007 through November 21, 2007
Account Number: 000013084518465

IMAGES

ACCOUNT # 000013084518465

MATTHEW LIEBMAN DATE 11/14/07 119

PAY TO THE ORDER OF Bernard L. Maloff Investment Services \$ 10,000.00

For Thomas J. J. J. DOLLARS

CHASE (Pittsburgh Chase Bank)
1240 Avenue of the Americas
New York, NY 10019

MEMO 1-10218-3 *[Signature]*

⑆021000021⑆013084518465⑆ 0119 ⑆0001000000⑆

008670877891 NOV 19 #0000000119 \$10,000.00

Need more information about any of these images of cleared items? Registered users of Chase Online see BOTH front and back of images of cleared items. Chase Online is a free service. Visit www.Chase.com to enroll or log in.

Exhibit 11



August 21, 2008 through September 19, 2008
Account Number: 000013084518465

IMAGES

ACCOUNT # 000013084518465

See both front and back images of cleared checks at Chase.com. If you're not enrolled in this free service, please enroll now.

MATTHEW LIEBMAN		1-3 28	233
DATE 9/2/08			
PAY TO THE ORDER OF <u>Bernard L. Madoff Securities LLC</u> \$14,000.00			
<u>Fourteen Thousand dollars</u> 33 DOLLARS			
CHASE <small>Philly Chase Bank 1270 Avenue of the Americas New York, NY 10019</small>			
MEMO <u>1021830</u> <u>MMJ</u>			
-CO 2100002101013084518465 0233			

005070207894 SEP 05 #0000000233 \$14,000.00

Exhibit
12

EXHIBIT 2

COPY

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008¹

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

February 2, 2010

MATTHEW LIEBMAN
C/O PHYLLIS POLAND, CUSTODIAN
1 PINE RIDGE ROAD
LARCHMONT, NY 10538

Dear MATTHEW LIEBMAN:

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1L0218 designated as Claim Number 8319:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Your claim is **ALLOWED** for \$207,381.57, which was the balance in your BLMIS Account on the Filing Date based on the amount of money you deposited with BLMIS for the purchase of securities, less subsequent withdrawals, as outlined in Table 1.

¹ Section 78III(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78III(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

COPY

- Table 1 -			
DEPOSITS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
2/27/2004	CHECK	\$60,000.00	\$60,000.00
2/27/2004	TRANS FROM 1P010630	\$46,438.14	\$0.00
5/27/2004	CHECK	\$132,000.00	\$132,000.00
9/17/2004	TRANS FROM 1P003830	\$5,000.00	\$0.00
11/1/2004	CHECK	\$4,059.58	\$4,059.58
2/24/2005	CHECK	\$3,459.99	\$3,459.99
10/11/2005	CHECK	\$5,000.00	\$5,000.00
4/17/2006	CHECK	\$7,000.00	\$7,000.00
10/20/2006	CHECK	\$10,000.00	\$10,000.00
7/26/2007	CHECK	\$8,300.00	\$8,300.00
11/19/2007	CHECK	\$10,000.00	\$10,000.00
9/5/2008	CHECK	\$14,000.00	\$14,000.00
Total Deposits:		\$305,257.71	\$253,819.57
WITHDRAWALS			
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
3/3/2004	TRANS TO 1P010630	(\$2,500.00)	(\$2,500.00)
6/10/2004	TRANS TO 1EM15130	(\$43,938.00)	(\$43,938.00)
Total Withdrawals:		(\$46,438.00)	(\$46,438.00)
Total deposits less withdrawals:		\$258,819.71	\$207,381.57

Based on BLMIS' books and records, the Trustee believes the amount of deposits and withdrawals are reflected accurately in Table 1. To the extent you have evidence that contradicts or supplements what is reflected in Table 1, please contact Trustee's counsel, Courtnei Thorpe, at (216) 861-6106.

Your **ALLOWED CLAIM** of \$207,381.57 will be satisfied in the following manner:

The enclosed **ASSIGNMENT AND RELEASE** must be executed, notarized and returned in the envelope provided herewith. Upon receipt of the executed and notarized **ASSIGNMENT AND RELEASE**, the Trustee will fully satisfy your **ALLOWED CLAIM** by sending you a check in the amount of \$207,381.57, with the funds being advanced by Securities Investor Protection Corporation pursuant to section 78fff-3(a)(1) of SIPA. In addition, you will be entitled to receive an additional distribution based upon your **ALLOWED CLAIM** from the fund of customer property, if any.

COPY

It is the Trustee's intent, pursuant to SIPA, to submit a Motion for an order of the Bankruptcy Court to allocate assets he has collected and will collect between the fund of customer property and the general estate and to distribute customer property *pro rata* among allowed claimants, such as you. In a decision in this case, Rosenman Family, LLC v. Picard, 401 B.R. 629, 634 (Bankr. S.D.N.Y. 2009), the Bankruptcy Court stated:

The customer estate is a fund consisting of customer property and is limited exclusively to satisfying customer claims. In re Adler Coleman Clearing Corp. (Adler Coleman II), 216 B.R. 719, 722 (Bankr. S.D.N.Y. 1998) ("A SIPA trustee, distributes 'customer property' exclusively among the debtor's customers..."); see also 15 U.S.C. § 78111(4). Accordingly, Customers, as defined by SIPA § 78111(2), enjoy a preferred status and are afforded special protections under SIPA. See New Times Securities, 463 F.3d at 127; Adler Coleman, 195 B.R. at 269."

Id. at 634.

It is not known at this time when the Trustee will be filing such allocation and distribution motion.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court **and** the Trustee within **THIRTY DAYS** after February 2, 2010, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

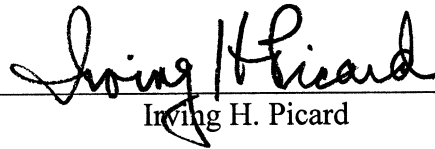
COPY

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111



Irving H. Picard

Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

cc: Marc G. Rosenberg, Esq.
McLaughlin & Stern, LLP
260 Madison Avenue
New York, NY 10016

COPY

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789-BRL

SIPA Liquidation

ASSIGNMENT AND RELEASE

KNOW ALL MEN BY THESE PRESENTS, that MATTHEW LIEBMAN, located at C/O PHYLLIS POLAND, CUSTODIAN, 1 PINE RIDGE ROAD, LARCHMONT, NY 10538 (hereinafter referred to as the “Assignor”) in consideration of the payment of \$207,381.57 to satisfy his claim for customer protection (the “Customer Claim”, having been designated Claim #8319) filed in the liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §78aaa et seq. (“SIPA”) (see §§78fff-2(b), 78fff-2(d), and §78fff-3(a)(1) of SIPA), does for himself hereby assign, transfer and set over to Irving H. Picard as SIPA Trustee (the “SIPA Trustee”) for the liquidation of BLMIS (see §78fff-2(b) of SIPA), and the Securities Investor Protection Corporation (“SIPC”), as subrogee to the extent of its cash advances to the SIPA Trustee for the satisfaction of the aforementioned Customer Claim (see §78fff-3(a)(1) of SIPA), any and all rights, including causes of action or claims, that Assignor now may have against BLMIS and/or any third party arising out of or relating to any fraudulent or illegal activity with respect to Assignor's BLMIS account (Account No. 1L0218, the “BLMIS Account”), which gave rise to the allowed Customer

COPY

Claim for securities filed by Assignor against BLMIS. Such assignment is only to the extent that Assignor has received satisfaction of the Customer Claim as set forth above.

Further, Assignor has not previously compromised or assigned any claim, cause of action or other right against BLMIS, its principals or agents or any third party arising out of or related to any fraudulent or illegal activity giving rise to the Customer Claim.

Upon reasonable request of the SIPA Trustee or SIPC, Assignor agrees to cooperate with the SIPA Trustee or SIPC in connection with any efforts of either to recover from the principals or agents of BLMIS or anyone else for amounts advanced by SIPC or paid by the SIPA Trustee to satisfy Assignor's Customer Claim in this SIPA liquidation proceeding. Such efforts to recover by the SIPA Trustee or SIPC, either to demand or pursue or to prosecute or settle any collection effort, action or proceeding therefore, shall be at the sole cost of the SIPA Trustee or SIPC.

Effective immediately and without further action, contingent only upon Assignor's receipt from the SIPA Trustee or his agent of a check in the amount of \$207,381.57 as set forth in the SIPA Trustee's Notice of Determination of the Customer Claim dated February 2, 2010, (the "Trustee's Determination"), and upon receipt by the SIPA Trustee of this executed and notarized Assignment and Release, the Assignor does for himself, and for his executors, administrators, heirs and assigns hereby remise, release and forever discharge the SIPA Trustee and SIPC, as subrogee to the extent of its cash advances for the satisfaction of the Customer Claim, and, as the case may be, their officers, directors, professionals, employees, agents, successors and assigns, of and from any and all claims arising out of or relating to the Assignor's BLMIS Account, the Customer Claim filed with the SIPA Trustee as protected by the provisions of SIPA, and any and all circumstances giving rise to said Customer Claim which the Assignor now has, or hereafter

COPY

may have, for or by any reason, cause, matter or thing whatsoever from the beginning of the world to the date of the execution of this Assignment and Release, only to the extent that the SIPA Trustee and/or SIPC has paid monies to the Assignor to satisfy Assignor's Customer Claim.

Should a final and unappealable Court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Assignment and Release shall be construed as a waiver of any rights or claims held by Assignor in having his customer claim re-determined in accordance with any such Court order. The payment of the undisputed amount of the Assignor's Customer Claim (up to the limits of SIPA protection) will be without prejudice to the Trustee's and the Assignor's rights, claims, and defenses with respect to the disputed portion(s) of the Assignor's Customer Claim.

Assignor acknowledges the sufficiency of the consideration to be received in accordance with the SIPA Trustee's Determination and under this Assignment and Release.

IN WITNESS WHEREOF, the undersigned has on this day set forth below duly executed this Assignment of Assignor's Customer Claim and Release, intending to be legally bound hereby.

By: _____
MATTHEW LIEBMAN

Sworn and subscribed before me this
____ day of _____, 2010.

Notary Public